

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Montebovi

Serial No.: 09/941,857

Filed: August 30, 2001

For: MOBILE
TELECOMMUNICATIONS
DEVICE BROWSER

Atty. Docket No.: 006559.00021

Group Art Unit: 2614

Examiner: Gerald Gauthier

Confirmation No.: 7547

U.S. Patent and Trademark Office
Customer Service Window, Mailstop Appeal
Randolph Building
401 Dulany Street
Alexandria, VA 22314**APPEAL BRIEF**

This is an appeal brief in accordance with 37 C.F.R. § 41.37(c), filed in support of Applicant's February 26, 2008 Notice of Appeal. Appeal is taken from the Final Office Action mailed November 27, 2007. Please charge any necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

I. Real Party In Interest
37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Nokia Corporation.

II. Related Appeals and Interferences
37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals and no interferences known to applicant.

III. Status of Claims
37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-9 and 11-15 are pending in the application. Claim 10 is canceled. Claims 1-9 and 11-15 stand as rejected, and all are appealed.

IV. Status of Amendments

37 C.F.R. § 41.37(c)(1)(iv)

On April 8, 2008, Applicant submitted an amendment, which has not yet been entered, to Claim 1 to address the 35 U.S.C. § 112 second paragraph rejection made by the Examiner in the Final Office Action mailed on November 27, 2007. The amendment addresses that objection and places the claims in better form for consideration on appeal. As such, the amendment is consistent with the requirements of Rule 116 (b)(2) and 37 C.F. R § 41.33(a), and should be entered.

V. Summary of Claimed Subject Matter
37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention (as required by 37 CFR §41.37(c)(1)(v)), Applicant does not intend to limit the claims. All references to the specification and drawings are illustrative unless otherwise explicitly stated.

Independent claim 1, and those claims that depend therefrom, are directed to an apparatus comprising a housing, a microphone (2), an earpiece (6), a display screen (5) mounted in the housing, a plurality of keys (3, 4) mounted on the housing and individually depressible for performing telephony operations, radio circuitry (15), and a processor (8). (p. 5, ll. 4-14, FIG. 1 (MS 1), and FIGS. 2-3). The processor is configured to provide a browser for navigating between different pages stored remotely of the apparatus and displaying information on the display screen. (p. 6, ll. 15-17, p. 8, l. 26 – p. 9, l. 11, and FIGS. 3, 4 and 6). An individual key on the apparatus is configured to operate in a first mode comprising a first depression sequence pattern to navigate between previously visited pages and a second mode comprising a second depression sequence pattern to provide a display of previously visited pages to permit the selection of a page from the display of previously visited pages and the navigation directly to the selected page. (p. 7, l. 27 – p. 8, l. 2; p. 8, ll. 11-20, FIG. 4 (4a and 4b))

Independent claim 12, and the claim that depends therefrom, are directed toward a method of configuring a browser to operate in an apparatus, including configuring an individual key of the device to operate in a first mode to navigate between previously visited pages, configuring the individual key to operate in a second mode to provide a display of previously

visited homepages and to select one of the pages from the display of previously visited homepages to navigate directly to the selected page. (p. 8, l. 26 – p. 9, l. 11, and FIG. 6).

Independent claim 13, and the claim that depends therefrom, are directed to an apparatus comprising a browser configured to permit navigation between different network addresses and display information therefrom, and a key configured to operate in a first mode to navigate between previously visited network addresses and configured to operate in a second mode to provide a display of previously visited homepages to permit the selection of a homepage from the previously visited homepages display and the navigation directly to the selected page. (p. 7, l. 27 – p. 8, l. 2, FIG. 4 (4b), p. 8, l. 26 – p. 9, l. 11, and FIG. 6).

VI. Grounds of Rejection to be Reviewed on Appeal
37 C.F.R. § 41.37(c)(1)(vi)

- 1) Claims 1-9 and 11 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,463,304 “Application Launcher for a Two-Way Mobile Communications Device,” by Smethers (“Smethers”) in view of U.S. Patent Application Publication No. 2002/0032745 “Hyper Text Display Apparatus” to Honda (“Honda”).
- 2) Claims 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0017855 “Portable Telephone with URL Accessing Function” to Ishigaki (“Ishigaki”) in view of Honda.

VII. Argument

37 C.F.R. § 41.37(c)(1)(vii)

A. Rejection of Claims 1-9 and 11

Appellant submits that the combination of Smethers and Honda fails to disclose, teach or suggest the subject matter of claims 1-9 and 11. Applicant respectfully submits that the combination does not disclose an apparatus “wherein an individual key of said plurality of keys is configured to operate in a first mode comprising a first depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being configured to operate in a second mode comprising a second depression sequence pattern of said individual key to provide a display of previously visited pages to permit the selection of a page from the display of previously visited pages and the navigation directly thereto.”

The Office Action asserts on p.3 that Smethers discloses “an apparatus comprising a housing, a display screen mounted in the housing, a plurality of keys mounted on the housing, and individually depressible for performing telephony operations, radio circuitry, and a processor configured to provide a browser for navigating between different pages stored remotely of the mobile telecommunication device and displaying information therefrom on the display screen.” Smethers discloses how a “Rocker key” is used to navigate to the “launch mode,” which provides a display of available applications. From the launch mode, a specific browser mode can be accessed by pressing a corresponding navigation key. The Office Action notes that Smethers does not disclose the feature of claim 1 of an individual key “operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages.” Additionally, Smethers does not disclose the individual key “further being configured to operate in a second mode comprising a second depression sequence pattern of said individual key to provide a display of previously visited pages to permit the selection of a page

from the display of previously visited pages and the navigation directly thereto.”

The Appellant submits that Honda does not cure the deficiencies of Smethers. The Office Action on p. 3 asserts that “it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the invention of Smethers using the teaching of recently viewed pages as taught by Honda.” Honda discloses a hypertext display apparatus configured to display a list of links extracted from a hypertext document and does not disclose “an individual key of said plurality of keys is configured to operate in a first mode comprising a first depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being configured to operate in a second mode comprising a second depression sequence pattern of said individual key to provide a display of previously visited pages to permit the selection of a page from the display of previously visited pages and the navigation directly thereto.”

In paragraph 47, Honda sets forth:

The timer 108 counts a time period in which each of the numerical buttons 301 through 309 is pressed. The timer 108 then determines whether the time period is shorter than a prescribed value (hereinafter, the operation of pressing a button for a time period shorter than the prescribed value will be referred to as a “short-time pressing operation”), or equal to or more than the prescribed value (hereinafter, the operation of pressing a button for a time period equal to or more than the prescribed value will be referred to as a “long-time pressing operation”), and informs the control section 111 of the determination result. When the operation of the respective numerical button is the short-time pressing operation, the control section 111 instructs the HTML reading section 101 to read the document at the target link. When the operation of the respective numerical button is the long-time pressing operation, the control section 111 instructs the display device 106 to display a portion of the hyper text document describing the hot text of the corresponding unit of link information.

Although Honda discloses a key operable in two modes, it fails to disclose a key operable in a first mode to navigate between previously visited pages and operable in a second mode to

provide a display of previously visited pages. Honda, in the quoted text above, does not disclose, teach or suggest the pages having been previously visited. Moreover, there is nothing in either Smethers or Honda to suggest that the functionality of Honda could be modified to display a list of previously visited pages and to navigate between previously visited pages. It is only by unallowably using hindsight that a modification of the features of Honda to correspond to those of the invention can be considered obvious.

The Applicant, therefore, submits that the combination of Smethers in view of Honda, does not disclose, teach or suggest each and every feature of claim 1. Claim 1 is patentable over the above reference combination and the rejection cannot stand. Claims 2-9 and 11 depend from claim 1 and are allowable for at least the same reasons set forth above.

B. Rejection of Claims 12 and 13

Appellant submits that the combination of Ishigaki and Honda fails to disclose, teach or suggest the subject matter of claims 12 and 13. Applicant respectfully submits that the combination does not disclose a browser configured to permit navigation between different network addresses and display information therefrom, and a key configured to operate in a first mode to navigate between previously visited network addresses and configured to operate in a second mode to provide a display of previously visited homepages to permit the selection of a homepage from the previously visited homepages display and the navigation directly to the selected page, nor a method for configuring the browser and key to carry out those functions. The Office Action asserts on p.5 that Ishigaki discloses “a method of configuring a browser to operate in an apparatus, including configuring and individual key of the device to operate in a first mode to navigate between previously visited pages,” citing paragraph 96 of the reference. Continuing on p. 6, the Office Action notes that Ishigaki “fails to disclose configuring the individual key to operate in a second mode to provide a display of previously visited

homepages.”

In paragraph 96, Ishigaki sets forth:

The fourth aspect of the invention provides a calling method of URL in a portable telephone capable of gaining access to the URL information through a browser, wherein the portable telephone is able to call the URL which has been displayed on a terminal screen lastly at the previous time by pressing a browser function key and then one specific key, while the portable telephone is waiting. With this constitution, the URL displayed on the terminal screen lastly at the previous time can be called in a simple operation.

The Appellant submits that Honda does not cure the deficiencies of Ishigaki. The Office Action on p. 6 asserts that “it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the invention of Ishigaki using the teaching of recently viewed pages as taught by Honda.” Honda discloses a hypertext display apparatus configured to display a list of links extracted from a hypertext document and does not disclose “an individual key of said plurality of keys is configured to operate in a first mode comprising a first depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being configured to operate in a second mode comprising a second depression sequence pattern of said individual key to provide a display of previously visited pages to permit the selection of a page from the display of previously visited pages and the navigation directly thereto.”

In paragraph 47, Honda sets forth:

The timer 108 counts a time period in which each of the numerical buttons 301 through 309 is pressed. The timer 108 then determines whether the time period is shorter than a prescribed value (hereinafter, the operation of pressing a button for a time period shorter than the prescribed value will be referred to as a “short-time pressing operation”), or equal to or more than the prescribed value (hereinafter, the operation of pressing a button for a time period equal to or more than the prescribed value will be referred to as a “long-time pressing operation”), and informs the control section 111 of the determination result. When the operation of the respective numerical button is the short-time pressing operation, the control

section 111 instructs the HTML reading section 101 to read the document at the target link. When the operation of the respective numerical button is the long-time pressing operation, the control section 111 instructs the display device 106 to display a portion of the hyper text document describing the hot text of the corresponding unit of link information.

Although Honda discloses a key operable in two modes, it fails to disclose a key operable in a first mode to navigate between previously visited pages and operable in a second mode to provide a display of previously visited pages. Honda, in the quoted text above, does not disclose, teach or suggest the pages having been previously visited. Moreover, there is nothing in either Ishigaki or Honda to suggest that the functionality of Honda could be modified to display a list of previously visited pages and to navigate between previously visited pages. It is only by unallowably using hindsight that a modification of the features of Honda to correspond to those of the invention can be considered obvious.

The Applicant submits that Honda requires that the keys to be associated with a particular link for the operation of the key, either short or long, to result in the display of a document or a list of links. In contrast, in Ishigaki, navigating to the previously visited page is not associated with a link. Therefore, one of ordinary skill in the art wishing to extend the functionality of Ishigaki would not look to functionality in Honda which requires that the keys are associated with particular links. This is not the same as a list of links of previously visited homepages and is clearly not “a key configured to operate in a first mode to navigate between previously visited network addresses and configured to operate in a second mode to provide a display of previously visited homepages to permit the selection of a homepage from the previously visited homepages display and the navigation directly to the selected page.”

The Applicant, therefore, submits that the combination of Ishigaki in view of Honda, does not disclose, teach or suggest each and every feature of claims 12 and 13. Claims 12 and 13

are patentable over the above reference combination and the rejection cannot stand. Claim 14 depends from claim 13 and claim 15 depends from claim 12 are allowable for at least the same reasons set forth above.

Respectfully submitted,

Date: April 25, 2008

By: /Jeffrey M. Cox/
Jeffrey M. Cox
Registration No. 50,695
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Facsimile: 312-463-5001

Claims Appendix

37 C.F.R. § 41.37(c)(1)(viii)

1. An apparatus comprising a housing, a microphone, an earpiece, a display screen mounted in the housing, a plurality of keys mounted on the housing and individually depressible for performing telephony operations, radio circuitry, and a processor configured to provide a browser for navigating between different pages stored remotely of the mobile telecommunications device and displaying information therefrom on the display screen, wherein an individual key of said plurality of keys is configured to operate in a first mode comprising a first depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being configured to operate in a second mode comprising a second depression sequence pattern of said individual key to provide a display of previously visited pages to permit the selection of a page from the display of previously visited pages and the navigation directly thereto.

2. An apparatus according to claim 1 wherein said individual key is operable to navigate backwards through previously visited pages.

3. An apparatus according to claim 1 wherein said individual key is operable to navigate forwardly through previously visited pages.

4. An apparatus according to claim 1 wherein the first and second modes are selected by operating said individual key for relatively shorter and longer periods respectively.

5. An apparatus according to claim 1 including a scrolling key operable to scroll a focus region through the display of previously visited pages for selecting one of the pages.

6. An apparatus according to claim 1 including a further key for selecting a page from the previously visited pages display so as to navigate directly thereto.

7. An apparatus according to claim 1 and comprising a mobile telephone handset.

8. An apparatus according to claim 1 and comprising a PDA.

9. An apparatus according to claim 1 wherein the display of the previously visited pages comprises a display of the previously visited pages whereby to permit the user to select one of the previously visited pages and navigate directly thereto.

10. Canceled.

11. An apparatus according to claim 1, which is WAP enabled.

12. A method of configuring a browser to operate in an apparatus, including configuring an individual key of the device to operate in a first mode to navigate between previously visited pages, configuring the individual key to operate in a second mode to provide a display of previously visited homepages and to select one of the pages from the display of previously visited homepages to navigate directly thereto.

13. An apparatus comprising a browser configured to permit navigation between different network addresses and display information therefrom, and a key configured to operate in a first mode to navigate between previously visited network addresses and configured to operate in a second mode to provide a display of previously visited homepages to permit the selection of a homepage from the previously visited homepages display and the navigation directly thereto.

14. An apparatus according to claim 13 including a key to scroll a focus region between suitable menu options displayed on the browser, to permit navigation between different network addresses.

15. The method of claim 12, wherein the first mode includes pressing the individual key for a first period of time and the second mode includes pressing the key for a second period of time, the second period of time greater than the first period of time.

Evidence Appendix

37 C.F.R. § 41.37(c)(1)(ix)

None.

Related Proceedings Appendix

37 C.F.R. § 41.37(c)(1)(x)

None.